

House File 2477

H-8325

- 1 Amend House File 2477 as follows:
- 2 1. Page 1, line 33, after <record> by inserting
- 3 <who furnishes material or performs labor upon a
- 4 building, erection, or other improvement and
- 5 2. Page 2, line 32, after <owner,> by inserting
- 6 <owner-builder,>
- 7 3. Page 7, line 19, after <2.> by inserting <a.>
- 8 4. Page 7, after line 22 by inserting:
- 9 <b. Except for residential construction property
- 10 owned by an owner-builder, a mechanic's lien perfected
- 11 under this chapter is enforceable only to the extent
- 12 of the balance due the general contractor at the time
- 13 the owner actually receives the notice sent pursuant
- 14 to subsection 3.
- 15 c. In any action to enforce a mechanic's lien
- 16 perfected under this chapter against the owner,
- 17 the subcontractor bears the burden to prove by a
- 18 preponderance of the evidence that the owner actually
- 19 received notice pursuant to subsection 3.>
- 20 5. Page 7, line 25, after <rule> by inserting <,
- 21 including the owner notice described in section 572.13,
- 22 subsection 1>
- 23 6. Page 7, line 26, after <owner-builders.> by
- 24 inserting <For purposes of satisfying the notice
- 25 requirement in subsection 2, concerning actual receipt
- 26 of such notice, a subcontractor may provide a separate
- 27 notice directly to the owner.>
- 28 7. Page 10, line 24, after <dwelling> by inserting
- 29 <residential construction>
- 30 8. Page 12, by striking lines 12 and 13 and
- 31 inserting:
- 32 <2. In a court action to challenge a mechanic's
- 33 lien filed on ~~an owner-occupied dwelling~~ a residential
- 34 construction property, if the person challenging>
- 35 9. Page 14, line 26, after <website.> by inserting
- 36 <The authority shall not charge a filing fee for a
- 37 preliminary notice required pursuant to this chapter
- 38 that exceeds the cost of sending such notice by
- 39 certified mail with restricted delivery and return
- 40 receipt.>
- 41 10. Page 14, line 30, after <registry.> by
- 42 inserting <The authority shall administer the registry
- 43 on a revenue neutral basis and shall adjust fees on an
- 44 annual basis to prevent the accumulation of surplus
- 45 funds.>

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PALMER of Mahaska